IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 8585 of 2005

Shivjyoti Sahakari Pathpedi ..Petitioner
vs
Ashok Ramchandra Patange and ors..Respondents

Mr. S.A.Pawar for petitioner
Mr.S.A.Sawant for respondent no.l
Mr A.P.Vanarse AGP for State

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. Both the parties state that the issue raised in this petition has already been decided in Writ Petition no.7443 of 2005,thus same is order is passed in this petition. The order in Writ Petition No.7443 of 2005 is reproduced herein below:

. "The learned counsel for the petitioner states that he does not want to press the petition. However it is clarified that the petitioner will be entitled to recover the loan amount by filing appropriate dispute under section 9l of the Mah Coop Societies Act and by leading oral evidence, if necessary. If such dispute is filed then the same be heard and decided on its own merit and by permitting the parties to lead their oral evidence

and will not be dismissed on the ground that recovery certificate is refused under section l0l of the Mah Coop Societies Act.

. All contentions on merits are left open to the parties".

. Petition is disposed of accordingly with no order as to costs